



UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

F3M1/0121

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/905,461	08/04/97	013	MULCAHY, J	3302 01/21/98
First Named Applicant	POLIDI, RICHARD			
TITLE OF INVENTION	MECHANICAL WEIGHTLIFTING MACHINE			

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 12720	482-104.000	W63	UTILITY	YES	\$660.00	04/21/98

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Patent and Trademark Office**

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Washington, D.C. 20231

08/205461			
APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

2/A

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to the telephone interview of 1/15/98.
- ☒ The allowed claim(s) is/are 1-13.
- ☐ The drawings filed on _____ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

- ☒ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☒ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

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Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Estey Peterson on January 15, 1998.

2. The application has been amended as follows:

In the specification:

On page 11, line 10, change [100] to --108--; line 11, delete [110]; line 16, change [110] to --112-- and change [108] to --110--.

In the claims:

In claim 1, line 19 of page 12, change [controlled] to --control--.

Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

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In figure 1, delete reference numeral [10] (upper occurrence); change reference numeral [24] (upper occurrence) to --25--; change reference numeral [50] (rightmost occurrence) to --42--; change reference numeral [56] (uppermost occurrence) to --64--.

Reference numerals 18, 67, 72, 92 and 104 will be added appropriately to the figures.

Reference numerals 1-9 and 11 will be deleted from the figures.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes. No print or pen-and-ink sketch showing the above changes is required. The changes have been noted by the examiner as provided in M.P.E.P. § 608.02(w). See the attached copy of the drawings with the indicated corrections. Such corrections must be incorporated into the formal drawings.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or suggest the claimed mechanical weight lifting machine for use with free weights, the machine comprising: an articulating structure pivotally mounted to a support structure with a distal end on one side of the pivot having a depending link member with an end having means for engaging a free weight, and an adjustment mechanism with a displaceable connection device and counterweight locatable on the opposite side of the pivot; actuation means; and a user control remote from the adjustment mechanism.

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Notably, Caffaro et al. and Zander lack the actuation means and remote. Kallios lacks the articulating mechanism as claimed and the actuation means. Cartwright lacks the projecting lever arm and depending link. Further, there is no suggestion from the prior art of record to add the lacking features to these references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Pertinent Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Caffaro et al. (4,226,414) and Zander (458,382) show exercise apparatus similar in appearance to that claimed, but not intended for use with free weights.

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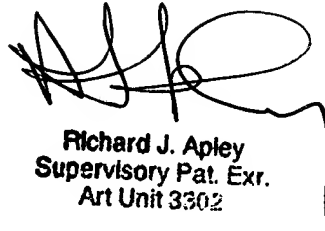
6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to John Mulcahy.

Telephone (703)308-3134

Facsimile (703)308-2864


John Mulcahy

January 15, 1998


Richard J. Apley
Supervisory Pat. Exr.
Art Unit 3302